

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

4 CHEVELLE MCALISTER PLAINTIFF
5 VERSUS CIVIL ACTION NO. 5:22-cv-00090-DCB-LGI
6 MANAGEMENT AND TRAINING CORPORATION, ET AL. DEFENDANTS

OMNIBUS PROCEEDINGS
BEFORE THE HONORABLE LAKEYSHA GREER ISAAC,
UNITED STATES MAGISTRATE JUDGE,
OCTOBER 18, 2023,
JACKSON, MISSISSIPPI

14 APPEARANCES:

15 FOR THE PLAINTIFF: CHEVELLE MCALISTER (PRO SE)

17 FOR THE DEFENDANTS: THOMAS R. JULIAN, ESO.

REPORTED BY:

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1 **IN OPEN COURT, OCTOBER 18, 2023**

2
3 THE COURT: All right. Good morning, everyone. You
4 may be seated.

5 All right. Mr. McAlister?

6 THE PLAINTIFF: Yes, ma'am.

7 THE COURT: All right. Would you raise your right hand
8 for me, sir?

9 *(Whereupon, the witness was placed under oath.)*

10 THE COURT: All right. Thank you, sir. You can put
11 your hand down.

12 I would advise you that you are now under oath and that
13 as a result I'm asking you to answer any and all questions
14 from me or from counsel for the defense truthfully.

15 Okay?

16 THE PLAINTIFF: Yes, ma'am.

17 THE COURT: All right. And tell me your name for the
18 record, please.

19 THE PLAINTIFF: Chevelle McAlister.

20 THE COURT: Okay. And then let's have introductions
21 from counsel for the defense. Mr. Julian, if you'd
22 introduce yourself for the record --

23 MR. JULIAN: Yes, ma'am.

24 THE COURT: -- and the names of your clients, please.

25 MR. JULIAN: All right. Tom Julian for Management and

1 Training Corporation, Darrel Vannoy, Janaiya Bolden, Bianca
2 Reece, and Sa'Myni Bell.

3 THE COURT: Thank you so much, Mr. Julian.

4 Okay. Mr. McAlister, I want to explain to you a little
5 bit about what we are here for today.

6 Okay?

7 THE PLAINTIFF: Yes, ma'am.

8 THE COURT: We are here for what is called an omnibus
9 hearing, and I'll tell you what an omnibus hearing is.
10 Basically, it's an opportunity for the Court and for counsel
11 for the defense to explain -- to get a little more
12 information about your case, to hear from you, your
13 opportunity to explain in a little more detail about the
14 facts about your case, and an opportunity for you to just
15 tell us your story and for us to learn a little more. So
16 today is not a trial of your case. We are simply here to
17 learn more about the facts and try to clarify the nature of
18 your complaints. So that's our purpose.

19 And I'm going to explain to you also a little about the
20 overall process of what's going to happen in your case, and
21 then I will ask you some questions about your case and give
22 Mr. Julian an opportunity to ask you some questions as well.

23 Okay?

24 THE PLAINTIFF: Yes, ma'am.

25 THE COURT: All right. And I had not previously

1 introduced myself, but my name is Lakeysha Greer Isaac. I'm
2 a United States Magistrate Judge here in the Southern
3 District of Mississippi, and I am the magistrate judge that
4 is assigned to your case.

5 So in federal court there are two judges assigned to
6 each and every case. One judge is a magistrate judge, such
7 as myself, and the other judge is what is known as a
8 district judge. And your case, as far as district judge is
9 concerned, is assigned to Judge David Bramlette.

10 So before we get into the main part of your hearing, I
11 want to talk to you a little bit and deal with a couple of
12 housekeeping matters, the first of which is to make a
13 determination about whether the parties are going to consent
14 to magistrate judge jurisdiction. And let me explain to you
15 what that is.

16 As I said, two judges assigned to every case and two
17 judges assigned to your case right now, of which I am one.
18 The parties can consent to magistrate judge jurisdiction,
19 and what that means is that if that happens, I'll be the
20 only judge on your case going forward, and certainly you are
21 not required to consent, and if you don't choose to consent,
22 it's totally fine. That's your right.

23 If you fail to consent, I'll still be writing the
24 opinions in your case and recommending to the district judge
25 rulings that would then have to be made by him called a

1 "report and recommendation." So Judge Bramlette could then
2 either adopt my ruling or not adopt my ruling, and if he
3 didn't adopt my ruling, then he would write his own.

4 If the parties consent to magistrate judge
5 jurisdiction, essentially we would skip that step of writing
6 a recommendation, and I would just write the opinion
7 directly. If you did consent, I would apply the same rules
8 of evidence, the same rules of civil procedure, and all of
9 the same law that Judge Bramlette would apply. If I made a
10 decision that you disagreed with, you could then appeal that
11 decision to the Fifth Circuit Court of Appeals, just like
12 you could or would appeal a decision from Judge Bramlette.

13 So it's really just up to the parties as to how you
14 would like to proceed. Generally, the major difference is
15 if you consent to magistrate judge jurisdiction, it may move
16 just a little bit quicker, because we have cut out the step
17 of writing a report and recommendation, and generally there
18 are more dates available for a trial in a magistrate judge's
19 calendar in comparison to a district judge.

20 So that's, in a nutshell, what consent means. I wanted
21 to be sure that you understood it before we talked about it
22 further.

23 Do you have any questions about what it means to
24 consent to magistrate judge jurisdiction?

25 THE PLAINTIFF: Not really. Would that -- it would

1 mean I could decide or get to choose, something -- something
2 like that?

3 THE COURT: Yes, sir. We could either go forward
4 exactly as the case is now, with me being assigned as the
5 magistrate judge and Judge Bramlette as the district judge,
6 or we could proceed with me being the only judge on the
7 case. So that's basically what it is.

8 And so at this time, I would like to ask you,
9 Mr. McAlister, do you consent to magistrate judge
10 jurisdiction in your case?

11 THE PLAINTIFF: Yes, ma'am.

12 THE COURT: Okay. Mr. Julian, on behalf of the
13 defendants, do your clients consent to magistrate judge
14 jurisdiction?

15 MR. JULIAN: We do.

16 THE COURT: Okay. Thank you, sir.

17 Bring you all some information. All right. Thank you
18 so much, Ms. Spears.

19 Mr. McAlister, we have one other thing that I want to
20 be sure that you are aware of before we move on. I want to
21 be sure that you are aware of the Court's three-strikes
22 procedure.

23 Are you familiar with the three-strikes procedure?

24 THE PLAINTIFF: Sort of.

25 THE COURT: Okay. I'll explain it to you. I'll give

1 you the Court's definition of it so that we can be sure that
2 we are on the same page.

3 That is a procedure that provides that if you file
4 three or more lawsuits while detained and those are deemed
5 to be frivolous, malicious, or failing to state a claim,
6 then you wouldn't be able to pursue IFP status in any other
7 lawsuit, unless there is some kind of threat of serious
8 immediate harm to you. And, of course, IFP is the status
9 where you don't have to pay to file a lawsuit.

10 So do you understand that three-strikes procedure?

11 THE PLAINTIFF: Yes, ma'am.

12 THE COURT: Okay. And now, having heard about the
13 three strikes procedure and indicating that you understand
14 it, do you wish to move forward with your lawsuit today?

15 THE PLAINTIFF: Yes, ma'am.

16 THE COURT: Okay. Thank you, sir.

17 **CHEVELLE MCALISTER,**

18 having been first duly sworn, was examined and
19 testified, as follows...

20 **EXAMINATION**

21 **BY THE COURT:**

22 Q. All right. So at this time, we are going to walk through
23 some of the facts regarding your case, as I indicated before.

24 So in this matter you have sued several individuals as
25 well as a corporate entity. You have sued Management and

1 Training Corporation, Warden Darrel Vannoy, Major
2 Schoettmer -- I may not be pronouncing that correctly --
3 Sergeant Bianca Reece, Officer Sa'Myni Bell, and Officer
4 Janaiya Bolden.

5 And so what I want to do is give you a chance to just
6 tell me generally why you are filing this particular lawsuit,
7 what caused you to file it, and then I want you to tell me
8 specifically why you are suing each defendant.

9 So what I'll do first is give you an opportunity to just
10 tell me briefly about why you are filing your case.

11 A. Well, I filed the case because they had -- they had
12 inmates that wasn't supposed to be around me -- around me.
13 They really wasn't supposed to be on the zone with me, period,
14 and I was attacked by one of the inmates. I was hit with a --
15 like I said, with a mopstick; you know what I'm saying? So I
16 had to defend myself or whatever, whatnot, and there wasn't
17 nobody there to help or nobody to have any type of assistance.
18 So, you know, I felt like that me being attacked like that,
19 something need to be done about that.

20 That's why I filed the lawsuit. And the reason why I
21 filed so many lawsuits, because I wanted to make sure that I
22 did the right thing. You know, you got -- you got individual
23 capacities and stuff like that. So I had to do it to where it
24 size up to what I was reading, you know. So I made sure that
25 everything was right.

1 And Sergeant Reece, she was a sergeant --

2 Q. And if you will hold off a second on the individual
3 people, I'm going to walk you through each one. Okay?

4 A. Yes, ma'am.

5 Q. All right.

6 A. Okay.

7 Q. All right. Is there anything else you wanted to say --

8 A. No, ma'am.

9 Q. -- about generally?

10 Okay. So let's walk through each one of them. Okay?

11 A. Yes, ma'am.

12 Q. So let's start with MTC, Management and Training
13 Corporation. Why is it that you filed suit specifically
14 against MTC?

15 A. Well, it's actually the second time that -- that I had an
16 incident on the PC zone. The first time I had an incident was
17 a while back, and they let me go home. I got stabbed five
18 times. And I -- I tried to file a lawsuit then, but I really
19 didn't know what I was doing, so I didn't do it. And I
20 didn't -- when I got to my ARP, to the end of it, I just
21 didn't do nothing else, and they let me go -- they let me go
22 home.

23 So I said, well, if I ever run into a situation like that
24 again, I'm going to do it the right way. You know, this time
25 I ran into it, it was -- it was -- it was the right way. So I

1 had -- I had to do what I had to do, you know.

2 Q. The first incident that you are talking about, did that
3 happen at Wilkinson County --

4 A. Yes, ma'am.

5 Q. -- or were you in another facility?

6 Wilkinson County. And --

7 A. It actually happened on -- on -- on the zone right next
8 to the zone that this incident happened on. And I was in
9 protective custody also, which was another failure to protect.

10 Q. What year did the prior incident happen?

11 A. This happened back in -- I want to say like 2012. A
12 while back.

13 Q. Okay. And then the current incident for which you filed
14 suit happened on July 25th, 2022; is that correct?

15 A. I think so. I mean, I'm --

16 Q. Okay. If that's what you listed in your papers, would
17 that be correct?

18 A. Okay. Well, yes, ma'am.

19 Q. Okay. All right. Continue telling me as to why you are
20 suing MTC. Was there anything else specifically as to MTC
21 regarding this July 2022 incident?

22 A. I feel like that -- that they got it wrong. You know, if
23 the MDOC SOP policy says that you shouldn't have -- you
24 shouldn't have C custody inmates with medium custody inmates,
25 then you shouldn't do that, because if you do do that, you

1 will have an incident like this, you know. So that's the main
2 reason why.

3 Q. Okay. And we are going to walk through now each of the
4 individuals that you have sued. Okay?

5 Let's start with the warden, Mr. Darrel Vannoy. Tell me
6 why you have sued Mr. Vannoy.

7 A. Okay. Well, obviously he had -- he had to tell the
8 major -- my understanding, they was letting the C custody and
9 medium custody out to go -- to go to a church, a church
10 meeting. And they had to come from somebody. So the warden
11 had to tell Major Schoettmer -- I don't know if I pronounced
12 his name right. I don't know how to say his name. But he had
13 to give him the order to do this, to open these doors and let
14 these guys out, knowing that something like this can go on,
15 you know.

16 Q. And how do you feel that your -- if you feel that your
17 rights were violated by Mr. Vannoy, how do you feel that they
18 were? And you don't have to provide me, like, a specific
19 constitutional statutory provision. I just want to know from
20 your perspective.

21 A. Yes, ma'am. Well, each one of them, I feel like that you
22 didn't prevent -- you knew that this could happen, and you
23 didn't try to prevent it. You actually engaged in it and made
24 it happen, which made me feel like that it was -- it was
25 direct.

1 At first I felt like it was direct. I thought that they
2 did this on purpose. And I said, well, I'm not going to go
3 about it like that, because then that would be a personal
4 issue, and I don't have personal issues with none of them. So
5 I stepped back and did it, you know, the correct way. I tried
6 to calm myself in the correct way.

7 Q. And let's move to talking about Major Schoettmer. And if
8 at any point you remember something that you want to share
9 with me regarding MTC or Warden Vannoy, let me know.

10 But we will move forward now to Major Schoettmer. Tell
11 me why you are suing Major Schoettner and -- Schoettmer. And,
12 again, I'm probably not pronouncing it right either -- and
13 also, how or why you believe that your rights were violated by
14 this individual.

15 A. Well, my remedies wasn't exhausted. When I got to my --
16 to the last remedy, when I got to his office and talked to
17 him, he told me that I was the aggressor and told me that he
18 felt like that the situation is solved.

19 And also, the major -- I meant the warden. I did leave
20 something out. The warden, he -- he actually wrote in the --
21 one of the exhaust remedies, he wrote that me and my roommate
22 was placed back in the cell and we had medical attention and
23 there was no physical harm. Well, this didn't even happen
24 with me and roommate, period. This was me and another guy.
25 My roommate at the time was Randy Williams. He on -- he's on

1 the zone with me right now, you know. So that was -- that was
2 wrong. So I feel like that my medical is kind of screwed up a
3 little bit, which I'm following up on that. Yes, ma'am.

4 Q. All right. Anything else as far as Major Schoettmer is
5 concerned?

6 A. No, ma'am. I just feel like -- I just feel like he
7 handled it unprofessionally.

8 Q. All right. Let's talk about Sergeant Bianca Reece.

9 A. Yes, ma'am. Well, she -- she know the situation. She
10 know not to let the C custody out like that. She already know
11 this. She been here for a long time, for years and years and
12 years. She know not to let the C custody out with the medium
13 custody, and she did it anyways. That made me feel like it
14 was personal.

15 Q. All right. And how do you believe that she violated your
16 rights?

17 A. The same thing. She knew that -- she knew that this
18 could happen and didn't do anything to prevent it.

19 Q. Let's talk about Officer Sa'Myni Bell.

20 A. Well, my understanding that they all -- they all had
21 participation in this act, which meaning somebody had to have
22 the keys to open the doors up, somebody had to let these guys
23 out and violate my rights. Those -- those three, Ms. Bell,
24 Ms. Bolden, and Ms. Reece, they all was on the zone. They was
25 on the zone when this happened. You know, they just watched.

1 Which I didn't expect them to really do much, because they
2 women; you know what I am saying? So I didn't expect them
3 just to do much to help me, you know? But, you know, I did
4 need some assistance at the moment.

5 So if you have to have some bigger guys to work there or
6 some -- some guys that's eating they -- they food or whatever
7 that they doing to -- to protect these inmates, you know, and
8 protect the custody zone, protection from harm, you know, then
9 you have to do what you got to do, because obviously these
10 women that you have are not capable enough to assist anybody,
11 most definitely when a person is getting attacked by somebody
12 else, and they just stand there and just watch.

13 Q. You mentioned Officer Bolden, Officer Janaiya Bolden.

14 A. Yes, ma'am.

15 Q. Tell me any specific things that you are suing Officer
16 Bolden about and why you believe she violated your
17 constitutional rights.

18 A. It's the same thing. She knew -- she knew that this
19 situation could have occurred. They all know not to let the C
20 custody out with the Black and whites. They know -- they know
21 that. The C custody inmates get an hour a day. They come
22 out, and they lock them back down, and then the Black medium
23 custody come out, and they stay out all day for the rest of
24 the day.

25 Q. Okay. I want to go back now and get you to help me

1 understand a little better exactly what happened that day. So
2 I want to walk you through a little bit more about the facts
3 themselves.

4 Now, at the time this happened, you were housed in
5 protective custody?

6 A. Yes, ma'am.

7 Q. Okay. How many inmates were involved in this incident?

8 A. Two.

9 Q. Two?

10 A. Yes, ma'am.

11 Q. Okay. One of them that you mentioned in your paperwork
12 was a Daniel Hatten?

13 A. Yes, ma'am.

14 Q. And that's the person who attacked you?

15 A. Yes, ma'am.

16 Q. Okay. Do you know the name of the other person?

17 A. Naw. I'm the other person.

18 Q. Okay. It was just the two of you all?

19 A. Yes, ma'am.

20 Q. Okay. I want to be sure. And, of course, you indicated
21 that you protected himself by -- you protected yourself by
22 stabbing him with a shank.

23 Did you know Mr. Hatten before this particular incident
24 happened?

25 A. I did. I did.

1 Q. Okay. How did you know him?

2 A. I was at Parchman with him.

3 Q. And had you all had any types of dealings with each other
4 since you both had been at Wilkinson County?

5 A. I mean, not that I know of. I felt like that he was on
6 drugs or something that made him react the way he reacted.

7 Q. When was the last time you had seen or spoken to him
8 before this happened?

9 A. Maybe three or four years.

10 Q. All right. How long would you say that this incident had
11 gone on before Sergeant Reece intervened?

12 A. Maybe six or seven minutes -- five or six minutes.

13 Q. Are you aware of whether Officer Bell or Officer Bolden
14 called for help in that time?

15 A. I think -- I think Officer Bell did. I think she was the
16 only one that did. If I'm not mistaken, I think she did.

17 Q. So initially, was it just Officer Bell and Officer Bolden
18 there and then Sergeant Reece arrived?

19 A. I believe Reece -- Sergeant Reece was standing in the --
20 inside the control tower or outside the door in the hallway
21 one, so I really don't know where she was.

22 Q. Okay. Did Officers Bell and Bolden assist Sergeant Reece
23 in stopping the altercation?

24 A. No, ma'am.

25 Q. Are you making any type of claim regarding whether there

1 was any type of denial of medical care to you, or is your
2 claim based on the failure to protect?

3 A. It's really based on the failure to protect. But if
4 medical keep on -- keeps on, I guess, rejecting -- because at
5 SMCI, they got another -- medical is real, real terrible. So
6 I'm trying to go about what I need to do to get myself
7 together, and it is taking so long.

8 You know, you send sick calls in, and they -- they come
9 to our building. Sometime they come; sometime they don't.
10 They go through doctors, like, (inaudible) going north. So I
11 don't know when I'll be able to have what I need to be able
12 to, you know, have myself together on that side, but I am
13 working on it.

14 Q. Is there anything that you are claiming that the medical
15 team failed to do as it relates to this July 2022 incident?

16 A. Yes, ma'am. I actually told them that my leg was messed
17 up and my teeth was messed up. I actually told them that, and
18 I do got sick calls where the guy said -- I can't remember the
19 doctor's name. I should know his name. I can't remember it.
20 But he said I had a fracture on the leg.

21 And then the dentist came, and he said that he didn't --
22 he didn't -- he didn't have time. He said he didn't have time
23 to do it, have time to deal with what I was talking about.
24 So, of course, I got mad, and they took me back to the unit.

25 Q. At this point have we discussed all of the claims that

1 you are making in your case and the persons that you are
2 making them against?

3 A. Yes, ma'am.

4 Q. Okay. Thank you.

5 THE COURT: I'm going to turn over to Mr. Julian at
6 this time. And, Mr. Julian, you'll have an opportunity to
7 ask questions, sir.

8 MR. JULIAN: Thank you.

9 THE COURT: Okay.

10 **EXAMINATION**

11 **BY MR. JULIAN:**

12 Q. All right. Mr. McAlister, you mentioned that they were
13 going to take y'all to church that morning. Is that your
14 understanding of why they were letting y'all out of the cell?

15 A. Yes, sir.

16 Q. Okay. So is it your recollection this occurred on a
17 Sunday morning?

18 A. I really can't remember. It's been -- been a while ago.

19 Q. And you mentioned that it was your understanding that
20 this warden ordered the inmates to all attend the church
21 services together?

22 A. No. I said the warden had to inform the major to call
23 the shot to open the doors up like that.

24 Q. Okay. But you -- it was the warden's decision for that
25 to happen; is that right?

1 A. I mean, it would have to be.

2 Q. Okay.

3 A. Or the major's.

4 Q. And so for the Defendants Reece, Bell, Bolden, and
5 Schoettmer, them letting all of the inmates out would have
6 been in response to the warden's decision?

7 A. Yes, sir.

8 Q. So in other words, that wasn't their decision?

9 A. Naw. It wasn't they decision. I don't believe so. It
10 might have been part of Schoettmer's decision.

11 Q. Schoettmer?

12 A. Yes, sir. I don't know how to say his name.

13 Q. Okay. But in other words, if the warden said that this
14 is the way he wanted it done, it was their job to do what he
15 told them?

16 A. Right.

17 Q. Okay. And you mentioned that you had been in Parchman
18 with Mr. Hatten, but if I understood you correctly, y'all
19 weren't having any current issues when this attack occurred?

20 A. No, sir.

21 Q. Did you have any reason to anticipate he was going to
22 attack you?

23 A. Not necessarily, besides knowing that he was going to
24 come out -- I mean, he said -- when Sergeant Reece came on the
25 zone, she had a few things to say that was drug related. And,

1 I mean, I don't want to put his business out there, but he was
2 up there high.

3 Q. I'm sorry? He was what?

4 A. He was upstairs high.

5 Q. High?

6 A. On drugs. High. High, H-I-G-H.

7 Q. Before they let him out, he was hiding?

8 A. He was high. And he was telling Sergeant Reece, well,
9 these guys doing this, and these guys doing that. And I was
10 telling Sergeant Reece -- I said, Sergeant Reece, well, you
11 know, them guys on drugs, you know. And he got mad. He said,
12 well, you know, you a snitch. Why you telling the police this
13 and that? He didn't know that they was fixing to open the
14 doors up and let him out.

15 Q. This was immediately prior to the attack?

16 A. Yes, sir.

17 Q. Okay. I'm sorry. Let me walk through that, then. You
18 said he was high?

19 A. Yes, sir.

20 Q. And how did you know he was high?

21 A. Because I know -- I knew what was going on. You know, we
22 stay out -- the Black and whites stay out all day.

23 Q. Okay. And you -- you said what to who about him being
24 high?

25 A. Sergeant Reece.

1 Q. What did you tell Sergeant Reece?

2 A. I told her -- well, they call it "catching out." They
3 will "catch out." That mean people owe people money and they
4 leave owing the money. And she was saying people need to stop
5 catching out off the zone and doing this and doing that. And
6 he had some -- some to say real, real, crazy. And I told
7 Sergeant Reece, I said, well, it's the guys that's getting
8 high that's catching out. It's the guys owing money, they
9 doing drugs. That's why they catching out.

10 And he called me a snitch, you know, You a snitch. You
11 know, you need to quit talking like that. If the door was
12 open, I would do this. I would do that. Not knowing that the
13 door was fixing to open.

14 Q. Okay. And when after that conversation were the doors
15 open? How long after that?

16 A. Like, five minutes, six minutes.

17 Q. Okay. And at that point is when he exited the cell --
18 his cell, got a broomstick, and attacked --

19 A. No, sir. He walked all the way around. He walked -- he
20 was upstairs. I was downstairs. He walked all the way
21 around -- shower over this way. He walked all the way around
22 to the shower, went over there and got the mopstick. I seen
23 him get the mopstick, you know. And when he came, I just
24 braced myself. I knew he was getting ready to hit me with it.

25 Q. Okay. You know, just going back to the point, other than

1 the interaction that you had where you thought he was high,
2 you had had no other issues with him before this incident?

3 A. Not that I know of.

4 Q. All right. You had never red tagged him at any point in
5 time?

6 A. No, sir.

7 Q. Is that correct?

8 A. Yes, sir.

9 Q. And you yourself had a knife or a shank on you?

10 A. Right.

11 Q. Where did you get that?

12 A. Where did I get it? I bought it.

13 Q. How long had you had that?

14 A. I had it for a while.

15 Q. Was that something you typically carried on yourself?

16 A. Yes, sir.

17 Q. It that something you had used before?

18 A. No, sir.

19 Q. But it was -- it was ordinary for you to carry that?

20 A. Yes, sir.

21 Q. Where did you carry it?

22 A. I kept it on me.

23 Q. Where?

24 A. Around -- around here.

25 Q. Around your waist area?

1 A. Yes, sir. It's dangerous in Wilkinson County.

2 Q. And so once -- once y'all had your altercation, you
3 actually stabbed him several times, did you not?

4 A. Maybe once.

5 Q. One time?

6 A. Yes, sir.

7 Q. And during that altercation, a code black was called, was
8 it not?

9 A. I'm pretty sure it was.

10 Q. What is a code black?

11 A. Somebody has been stabbed or somebody has been --

12 Q. Does that initiate a response within the facility for
13 security officers --

14 A. Yes, sir.

15 Q. -- to then break up the altercation?

16 A. Yes, sir.

17 Q. And did that happen in this case?

18 A. No. We actually -- we actually stopped on our own.

19 Q. Before they could get there?

20 A. No. They -- Sergeant Reece was in there. She was there
21 inside the -- she was inside the zone at this time.

22 Q. Okay. But Sergeant Reece acted to break up the fight?

23 A. But she didn't -- it wasn't no hands-on contact. She
24 didn't -- it wasn't hands-on contact breaking it up.

25 Q. So how did she -- how was it broken up?

1 A. "Y'all stop."

2 Q. Okay. And y'all voluntarily stopped --

3 A. Yeah. Because I didn't want to hurt him. I really
4 didn't want to hurt him. I was just trying to defend myself
5 and get him off of me.

6 Q. All right. But when she gave the directive or the order
7 to stop, it was successful? Y'all stopped fighting. Yes?

8 A. Yes, sir.

9 Q. Were you taken to medical after this incident?

10 A. Yes, sir.

11 Q. Do you recall what they -- what they told you at medical?

12 A. Well, I told them about my leg. You know, they really
13 didn't care because it was just a stabbing going on, and I was
14 the bad guy. But I really wasn't. After they seen what
15 actually went on, okay, well, he's not the bad guy. Let's see
16 what's going on with him now. You know what I'm saying?

17 Q. You mentioned a fractured leg. Is that -- who told you
18 you had a fractured leg?

19 A. Yes, sir. On this side, my right side.

20 Q. But who told you that about your leg?

21 A. The doctor that was there.

22 Q. On the first day that you were taken?

23 A. No, sir, it wasn't the first day I was taken. I had to
24 go to seg. After I came out of seg, segregation, then I went
25 to medical.

1 Q. Okay. Do you have any records from that visit?

2 A. Maybe -- I don't have it myself personally, no, sir.

3 Q. Okay. Do you contend you're still -- you're still
4 injured today from this incident?

5 A. Yes, sir.

6 Q. How so?

7 A. My leg's injured. The chipped tooth right here, and this
8 is a crack. This -- it's all in here. I wrote it all.

9 Q. All right. Do you have copies of when you have ever
10 requested medical treatment?

11 A. I be obtaining them. I don't have them right now,
12 because this is Wilkinson County. And I have to get these --
13 get this set from Wilkinson County. Whatever I have, I got to
14 go about getting these things from these people. You see what
15 I'm saying? Because I'm in a new facility now. I didn't stay
16 there long. After this incident, I stay in Wilkinson County
17 maybe three months. Now I'm in a new facility. I'm in Greene
18 County.

19 Q. Okay. Going back to your allegations about
20 Mr. Schoettmer, if I understood you correctly, you are -- your
21 allegations against him pertain to how he handled the
22 investigation; is that right?

23 In other words, when you reported during the ARP process,
24 he concluded that you were the aggressor?

25 A. Yes, sir. Well, that's not -- that's not actually why.

1 Actually why, because whoever made this call, it came down
2 through and didn't nobody stop it. With him being the
3 major -- from the warden down to the major to the sergeant,
4 somebody should have said, no, these -- these are C custody
5 inmates and these are medium custody inmates. They are not
6 supposed to be out together. But they didn't.

7 Q. Okay.

8 A. That's why I'm making the allegation.

9 Q. So if he was involved in that decision-making, that would
10 be part of your complaint against him?

11 A. Yes, sir.

12 Q. And otherwise your only complaint is dealing with how the
13 investigation was handled?

14 A. That's right. But, now, I knew I wasn't the aggressor
15 anyway. That just was, you know -- that has nothing -- really
16 nothing to do with nothing. It's just assuming that how he
17 handled the situation all wrong, how he didn't pay attention
18 to his paperwork. You know, how can he say I was the
19 aggressor when you see that I was hit first, and I was hit
20 with a weapon? Unless you will be saying that his weapon is
21 more -- less than mines.

22 Q. All right. What are you seeking in this lawsuit?

23 A. I really don't know, man. I don't know, man. Maybe some
24 money. Maybe some money at the end of it or something, man.
25 But I feel like something that got to be done about -- as of

1 right now, to be honest with you and tell you the truth, I'm
2 on a zone right now with C custody inmates. But it's not my
3 business to go over the head wardens and stuff like that and
4 make it be known. You know, also, when I was stabbed, I was
5 stabbed by a C custody inmate.

6 Q. Okay. So like you said, you are at a different facility
7 now?

8 A. Right. But it's still C custody inmate on the zone with
9 me right now.

10 Q. I got you. Hold on just a second.

11 MR. JULIAN: Your Honor, I have no further questions.

12 THE COURT: Thank you, Mr. Julian. I appreciate it.

13 Thank you, Mr. McAlister, for answering those questions
14 for us to the best of your ability.

15 And thank you for the questioning, Mr. Julian.

16 Appreciate that. You had something else?

17 MR. JULIAN: Your Honor, I'm still not entirely clear
18 if he is making a denial of medical care. We had a prior
19 deadline to file ARP exhaustion motions. And to the
20 extent -- if he is pursuing a denial claim, I would want to
21 go back and see if we could file a motion on exhaustion
22 grounds as to that claim. We did not file one on the
23 altercation itself.

24 THE COURT: All right. Okay.

25 THE PLAINTIFF: I will be doing it. I haven't done it

1 yet. But yes, ma'am, I will be -- I will be doing it for
2 sure.

3 THE COURT: We'll allow some time for that in our
4 omnibus order. Thank you, Mr. Julian.

5 MR. JULIAN: Thank you.

6 THE COURT: We will certainly do so. Because I think
7 it was mentioned in the fact section but not in the -- so I
8 can understand why you had not filed previously. So we will
9 allow some time for that filing.

10 Okay. Mr. McAlister, I saw on the docket that you did
11 try to provide your witness and exhibit list to us before
12 today. I -- Ms. Spears has put on your table a form for the
13 witness and exhibit list so that you can provide a little
14 more detail to us as to who you intend to call to testify in
15 your case.

16 I will let you know that as far as inmate witnesses are
17 concerned, the Court limits those to three inmate witnesses,
18 and for those witnesses, we will be responsible for being
19 sure that they are transported here in the event that --
20 well, your trial will actually be in Natchez -- but will be
21 transported to the courthouse in Natchez should your case
22 proceed to trial. So a maximum of three inmate witnesses.

23 There is not a limit on how many free-world witnesses
24 that you can have. But for any free-world witnesses, you
25 would be responsible for bringing those folks to testify on

1 your own. So you would be responsible for getting them
2 there.

3 Do you have any questions about the number of witnesses
4 that you could have?

5 THE PLAINTIFF: No, ma'am. But I was wanting to know
6 could I -- as a witness, can I put the cameras down? That's
7 what I was trying to figure out.

8 THE COURT: As far as, like, trying to seek video --

9 THE PLAINTIFF: Yes, ma'am.

10 THE COURT: -- the video footage of what happened?

11 You can list that. We are going to go through a
12 process called "discovery" on the incident, and so you can
13 ask for that at that time. Yes, sir. You can list a
14 request.

15 THE PLAINTIFF: I don't need to put it on here?

16 THE COURT: Yes, sir. You can put it on there. That's
17 fine. And so I'm going to give you -- you don't have to
18 turn that in right now. I'll give you 14 days.

19 THE PLAINTIFF: Oh, I can mail it back?

20 THE COURT: Yes, sir.

21 THE PLAINTIFF: Oh, okay.

22 THE COURT: So you will have 14 days to mail that back
23 to us. And as I briefly mentioned to Mr. Julian, what we
24 are going to do is enter what's called an "omnibus order,"
25 and that order is going to set forth various deadlines in

1 the case. And so it will give you more information about
2 what's going to happen between now and if your case goes to
3 trial, what will happen at trial. Okay?

4 So we will get that order on file, and a copy of it
5 will be sent to you.

6 Mr. Julian, do you have documents, witness/exhibit
7 list, to provide to Mr. McAlister?

8 MR. JULIAN: I do, Your Honor.

9 THE COURT: Okay.

10 MR. JULIAN: I have defendants' witness list and
11 exhibit list and then our document production, which has
12 been marked Bates Number 1 to 41.

13 THE COURT: All right. And you can provide it to
14 Mr. McAlister.

15 And those are your first set of documents that you are
16 getting from the defense. And, again, if you have documents
17 that you need to provide, and it sounds like you do, then
18 you will need to get those to Mr. Julian. Actually, if you
19 send them here to the Court, we can get them loaded on to
20 the docket so that he can have access to them. So if you
21 would mail any documents that you have that you want to use
22 to support your case, mail them back, and we will make sure
23 that Mr. Julian gets them.

24 All right. Is there anything else for the defense
25 today, Mr. Julian?

1 MR. JULIAN: No, Your Honor.

2 THE COURT: All right. Mr. McAlister, do you have
3 anything else?

4 THE PLAINTIFF: No, ma'am.

5 THE COURT: Okay. Thank you. I think that is going to
6 conclude our hearing for today, and so you are going to be
7 able to be transported back. And, again, get that
8 information back to us in the next 14 days, and then also we
9 will get an order out to everyone setting forth further
10 deadlines in case. Okay?

11 THE PLAINTIFF: I'll be sure to do it.

12 THE COURT: Yes, sir?

13 THE PLAINTIFF: I said I'll be sure to do it.

14 THE COURT: Okay. Thank you. I appreciate it.

15 Okay. Thank you all so much.

16 MR. JULIAN: Thank you.

17 THE COURT: I hope everyone has a wonderful day, and
18 looking forward to working with you all on the case.

19 Oh, yes, sir, if you just leave it on the table so that
20 the next person will be able to use it.

21 Thank you.

22 THE PLAINTIFF: Y'all have a nice day.

23 MR. JULIAN: Thank you.

24 THE COURT: Okay. We stand adjourned.

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(Court adjourned at 10:27 a.m.)

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COURT REPORTER'S CERTIFICATE

I, Caroline Morgan, Official Court Reporter for the
United States District Court for the Southern District of
Mississippi, do hereby certify that the above and foregoing
pages contain a full, true, and correct transcript of the
proceedings had in the forenamed case at the time and place
indicated, which proceedings were stenographically reported by
me to the best of my skill and ability.

10 I further certify that the transcript fees and format
11 comply with those prescribed by the Court and Judicial
12 Conference of the United States.

13 THIS, the 17th day of November, 2023.

/s / Caroline Morgan, CCR

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